

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TIMOTHY HAUDER,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF THE  
TREASURY, STEVEN TURNER MNUCHIN,  
Secretary of the Treasury; THE NEBRASKA  
ECONOMIC DEVELOPMENT  
CORPORATION, A Nebraska Non-Profit  
Corporation; THE UNITED STATES SMALL  
BUSINESS ADMINISTRATION, LINDA  
MCMAHON, Administrator of the Small  
Business Administration; DAVID MCNEW;  
and DEBRA MCNEW,

Defendants.

**8:17CV492**

**ORDER TO SHOW CAUSE**

This matter comes before the court after a review of the court file and pursuant to NECivR [41.2](#), which states in relevant part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff commenced this action on December 27, 2017, ([Filing No. 1](#)), and the Clerk of Court issued summons for Defendants David McNew and Debra McNew on December 27, 2017. ([Filing No. 8](#)). Both Summons for the McNews were issued to “1200 S Oak St. #8M, North Platte, NE 69101.” According to the proof of service filed by Plaintiff on February 16, 2018, Debra McNew purportedly was served by certified mail received on January 3, 2018. ([Filing No. 27](#)).<sup>1</sup> On May 1, 2018, the Court granted Plaintiff’s requested extension of time to serve David McNew. (Filing No. 49). On May 15, 2018, Plaintiff filed proof of service stating that David McNew was personally served on May 15, 2018. ([Filing No. 51](#)).

Plaintiff has taken no further action against Debra or David McNew, and neither defendant has appeared or filed any responsive pleading. Plaintiff has a duty to prosecute the case against the defendants. Under the circumstances, Plaintiff must make a showing of good cause for failure

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<sup>1</sup> However, although the certified mail was addressed to Debra McNew, the signature on the certified mail receipt appears to be signed by “David McNew” rather than “Debra McNew.”

to prosecute or the action must be dismissed as to defendants David McNew and Debra McNew. Accordingly,

**IT IS ORDERED:** On or before **September 18, 2018**, Plaintiff must show cause why this action should not be dismissed as to defendants David McNew and Debra McNew for failure to prosecute or take some other appropriate action.

Dated this 4<sup>th</sup> day of September, 2018.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge